

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6745 OF 2007

Rajendra Jagannath Ghorpade & ors.... Petitioner

versus

General Manager,. Gr.Mumbai
Milk Scheme & anr..... Respondent.

Shri H.R.Pawar for the petitioner.
Shri S.K.Chinchalikar AGP for respondent no.2.

CORAM; A.P. DESHPANDE, J.
DATED; 13TH SEPTEMBER, 2007

P.C. ;

Not on board. Mentioned.

1. The father of the petitioner was in the employment of respondent no.1. While being in the employment, the petitioner's father was allotted a quarter for residence. He retired from service in the year 1989 but continued to be in possession of the premises. Ultimately he expired in the year 2003. The present petitioners are the sons of the retired employee. The submission made by the learned counsel on behalf of the petitioners is that their father's retiral dues are not released as yet and hence the petitioners have not vacated the premises. The grievance of the petitioner in regard to the non release of retiral

benefits need to be redressed before proper forum and failure on the part of the respondent no.1 to pay the retiral benefits cannot be an answer in eviction proceeding . As the petitioner's possession is found to be unauthorised, the competent authority has passed an order of eviction under the Bombay Government Premises Eviction Act and an appeal carried by the petitioner against the said order has been dismissed. Hence this writ petition.

2. Perused the impugned orders. The same does not call for any interference. Hence petition deserves to be dismissed summarily. At this stage the learned counsel for the petitioner submits that the petitioner be granted six weeks time to vacate the premises, The learned AGP submits that time be granted, provided the petitioners are filing an undertaking in this court that they will deliver vacant and peaceful possession of the premises to the respondent no.1 within the said period of six weeks. The petitioner shall file an undertaking in this court to the above effect and subject to the filing of such undertaking there shall be stay of the eviction order for a period of six weeks. The undertaking be filed within one week from today.

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